

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. José R. Almonte
	:	
v.	:	Magistrate No. 24-16275
	:	
CARLOS XAVIER URBINA-	:	<b>CRIMINAL COMPLAINT</b>
GUTIERREZ a/k/a LUIS URBINA-	:	
GUTIERREZ	:	

I, Jaclyn M. Duchene, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**SEE ATTACHMENT A**

I further state that I am a Special Agent with Homeland Security Investigations, and that this complaint is based on the following facts:

**SEE ATTACHMENT B**

continued on the attached pages and made a part hereof.

*/s/ Jaclyn M. Duchene*

\_\_\_\_\_  
Jaclyn M. Duchene, Special Agent  
Homeland Security Investigations

Special Agent Duchene attested to this Affidavit by telephone pursuant to F.R.C.P. 4.1(B)(2)(A) on this 11th day of October, 2024.

*/s/ José R. Almonte*

\_\_\_\_\_  
Hon. José R. Almonte  
United States Magistrate Judge

**ATTACHMENT A**

**Count One**  
**(Possession of Child Pornography)**

From on or about December 25, 2023, through on or about May 15, 2024, in Morris County, in the District of New Jersey, and elsewhere, the defendant,

**LUIS URBINA-GUTIERREZ,**

did knowingly possess material that contained at least three images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which images had been mailed, shipped, and transported using any means or facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, namely by computer, and that were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, namely by computer.

In violation of Title 18, United States Code, 2252A(a)(5)(B).

**Count Two**  
**(Production of Child Pornography)**

In or around December 2023, in Morris County, in the District of New Jersey, and elsewhere, the defendant,

**LUIS URBINA-GUTIERREZ,**

did knowingly use, persuade, induce, entice, or coerce a minor male, “MINOR VICTIM-1,” to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, namely by computer.

In violation of Title 18, United States Code, Section 2251(a) and (e) and Title 18, United States Code, Section 2.

**Count Three**  
**(Enticement of a Minor)**

On or about December 25, 2023, in Morris County, in the District of New Jersey, and elsewhere, the defendant,

**LUIS URBINA-GUTIERREZ,**

did, using the mail or any facility or means of interstate or foreign commerce, namely by computer, knowingly persuade, induce, entice, or coerce a minor male, MINOR VICTIM-1, to engage in sexual activity for which a person can be charged with a criminal offense, specifically, the production of child pornography.

In violation of Title 18, United States Code, Section 2422(b) and Title 18, United States Code, Section 2.

## **ATTACHMENT B**

I, Jaclyn M. Duchene, am a Special Agent of Homeland Security Investigations. The information contained in the complaint is based upon my personal knowledge, as well as information obtained from other sources, including: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of publicly available information; and (c) my review of evidence, including interview reports, police investigation reports, video footage, and other documents. Because this complaint is being submitted for a limited purpose, I have not set forth every fact that I know concerning this investigation. Where the contents of documents and the actions and statements of others are reported, they are reported in substance and in part, except where otherwise indicated. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. At all times relevant to this Complaint, defendant Carlos Xavier Urbina-Gutierrez (“URBINA-GUTIERREZ”) was a resident of Wharton, New Jersey.

2. URBINA-GUTIERREZ is a Honduran national. According to a Honduran identification document, URBINA-GUTIERREZ’s date of birth is November 22, 2000, making him twenty-three years old.

3. Despite being an adult, URBINA-GUTIERREZ posed as a minor and enrolled as a student at a high school in Morris County, New Jersey under the name Luis Urbina-Gutierrez. During the times relevant to this Complaint, MINOR VICTIM-1 was a student at the same high school.

4. During the times relevant to this complaint, URBINA-GUTIERREZ communicated with MINOR VICTIM-1 and others via publicly available online social media applications (“Application-1” and the Application-2”).<sup>1</sup> URBINA-GUTIERREZ used Application-1 and Application-2 while utilizing a username and profile picture purporting to belong to a woman (the “Female Username”).

5. On or about December 25, 2023, URBINA-GUTIERREZ, using the Female Username and through Application-1, told MINOR VICTIM-1 to expose his penis and masturbate, and participated in a video call with MINOR VICTIM-1, during which MINOR VICTIM-1 exposed and masturbated his penis on camera. Using his phone, and without telling MINOR VICTIM-1, URBINA-

---

<sup>1</sup> Application-1 and Application-2 allow individuals to communicate in private or group chats, video calls, and to exchange messages, pictures, and short videos.

GUTIERREZ recorded and saved a video of this video call, depicting MINOR VICTIM-1 while MINOR VICTIM-1 masturbated.

6. In or around May of 2024, law enforcement received information that URBINA-GUTIERREZ was soliciting videos from minor victims via the Applications while purporting to be the Female Username.

7. On or about May 15, 2024, law enforcement spoke to URBINA-GUTIERREZ in a recorded interview.

8. At first, URBINA-GUTIERREZ claimed that he falsely told another student at the high school that he had used fake social media accounts to obtain naked videos from various individuals, but had not actually done so. During this interview, law enforcement obtained URBINA-GUTIERREZ's one of URBINA-GUTIERREZ's cellphones ("Cellphone-1").

9. On or about May 15, 2024, during a recorded statement, URBINA-GUTIERREZ consented to a search of his residence (the "Residence"). Inside the Residence law enforcement located another of URBINA-GUTIERREZ's cellphones ("Cellphone-2") and a computer. URBINA-GUTIERREZ thereafter consented to a search of these devices.

10. After being advised of his *Miranda* rights, during a recorded statement on or about May 15, 2024, URBINA-GUTIERREZ admitted to using the Female Username on Application-1 and Application-2 to communicate with individuals he knew to be minors to engage in sexual conversations, including over video calls requesting that they perform sexually explicit acts. URBINA-GUTIERREZ admitted to recording the video calls to maintain copies of the videos. URBINA-GUTIERREZ specifically admitted to making such requests and maintaining such a video of MINOR VICTIM-1.

11. A forensic search of Cellphone-2 revealed a video depicting an approximately one-minute video call through Application-1 between the Female Username's account and MINOR VICTIM-1's account, depicting MINOR VICTIM-1 while MINOR VICTIM-1 masturbated.

12. Videos saved on Cellphone-2 contain certain metadata such as the date the video was created. The metadata for this video indicated it was created on or about December 25, 2023.

13. Records obtained from an internet service provider indicate that the Female Username through the Applications accessed the internet on or about December 25, 2023 from the vicinity of URBINA-GUTIERREZ's residence in New Jersey.